

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>March 16, 2018</u>
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 DEUTSCHE BANK NATIONAL TRUST CO., :
 solely in its capacity as Trustee for the :
 MORGAN STANLEY STRUCTURED TRUST I :
 2007-1, :

Plaintiff, :

-v- :

MORGAN STANLEY MORTGAGE CAPITAL :
 HOLDINGS LLC, as Successor-by-Merger to :
 MORGAN STANLEY MORTGAGE CAPITAL :
 INC., :

Defendant. :

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 KATHERINE B. FORREST, District Judge:

14-cv-3020 (KBF)

ORDER

The Court is in receipt of a letter from MSST 2007-1 certificateholders (the “Certificateholders”) concerning the proposed settlement in this action. (ECF No. 178.) As an initial matter, it is unclear from the Certificateholders’ letter: (1) what percentage of the MSST 2007-1 voting share they purport to represent; and (2) whether the proposed settlement has already reached (or is likely to reach) the required approval percentage. Nonetheless, the Court shares the Certificateholders’ concern regarding the effect that a continued stay has on the status of settlement negotiations/approval proceedings. Accordingly, the Court hereby **ORDERS** the following:

1. Any party wishing to respond to the letter at ECF No. 178 must do so not later than **Tuesday, March 20, 2018 at 5:00 p.m.**
2. The parties are directed to publicly file all documents previously submitted to the Court under seal—exempting Exhibits 6 through 10 to


the Declaration of Justin V. Shur at ECF No. 122¹—not later than

Tuesday, March 20, 2018 at 5:00 p.m., regardless whether they were relied on by the Court. The only redactions that shall be made are to protect specific identifiable borrower information in such documents.

3. All parties should consider the previously scheduled trial date of **Monday, April 30, 2018** back on the calendar until this issue is resolved. The Court will set all pre-trial dates next week as appropriate.
4. For direction/instruction, the Court is very likely to deny Morgan Stanley's pending motion for judgment on the pleadings (ECF No. 151) if it is forced to write on the issue. The Court will not issue any opinion before March 20, 2018 at 5:00 p.m.

SO ORDERED.

Dated: New York, New York
March 16, 2018



KATHERINE B. FORREST
United States District Judge

¹ By letter dated February 22, 2018, Morgan Stanley indicated that despite “good faith effort,” it “does not believe it can ensure that all borrower information will be redacted” from those exhibits, which include “thousands of pages of detailed loan-level comments regarding hundreds of mortgage loans.” (ECF No. 174.) In the interest of justice, and in the interest of unsealing all other documents as expeditiously as possible, the Court will allow Exhibits 6-10 to the Shur declaration to remain under seal at this time.